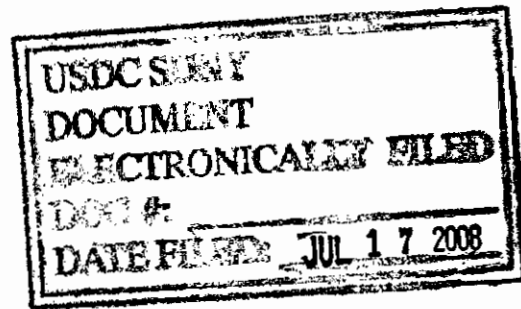


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ESTATE OF LORETTE JOLLES SHEFNER,

Plaintiff,

-v-

No. 08 Civ. 4443 (LTS)(DFE)

MAURICE TUCHMAN, et al.,

Defendants.
-----X

ORDER¹

By memorandum endorsement dated July 14, 2008, the Court granted the request of Defendant National Gallery of Art ("NGA") for an extension of time to respond to the complaint and for an adjournment of the Initial Pretrial Conference in the above-captioned action. Both requests were said to have been made with Plaintiff's consent. NGA's July 11, 2008, letter also included a request that NGA be excused from participating in the preparation of a Joint Preliminary Pre-trial Statement (as required by an earlier Order of this Court) ("JPPTS") prior to the Initial Pretrial Conference; the letter was silent as to whether Plaintiff consented to that request. The Court's endorsed Order granted all the requests.

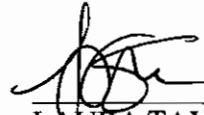
Having reviewed the parties' extensive correspondence in connection with Plaintiff's request for reconsideration and modification of the July 14, 2008, Order, the Court hereby vacates that Order to the extent it relieved NGA of the obligation to participate in the preparation of the

¹ *The ECF system provides notice of the entry of this Order to each party that has both entered an appearance in this case and registered with ECF. The ECF-registered attorneys are responsible for providing notice to any co-counsel whose e-mail addresses are not reflected on the ECF docket for this case, and Plaintiff's counsel, upon receiving notice of this Order, is hereby ordered to fax or otherwise deliver promptly a copy to all parties who are not represented by ECF-registered counsel. A certificate of such further service shall be filed within 5 days from the date hereof. Counsel who have not registered for ECF are ordered to register immediately as filing users in accordance with the Procedures for Electronic Case Filing.*

JPPTS. This Order is without prejudice to the parties' ability to make arguments as to whether, or to what extent, discovery should proceed during the pendency of any motion to dismiss the complaint.

SO ORDERED.

Dated: New York, New York
July 17, 2008

A handwritten signature in black ink, appearing to read 'LSWAIN', is written over a horizontal line.

LAURA TAYLOR SWAIN
United States District Judge